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7 *Attorneys for Rushmore Loan Management*
8 *Services, LLC*

9 **UNITED STATES BANKRUPTCY COURT**
10 **DISTRICT OF NEVADA**

11
12 In re:

13 Schulte Properties, LLC,

14
15 Debtor.
16
17
18
19

Case No.: 18-12734-mkn

Chapter 11

**MOTION FOR ORDER SHORTENING
TIME ON MOTION TO ENFORCE
SETTLEMENT TERMS**

Properties:

10317 Neopolitan Pl., Las Vegas, NV 89144
2861 Marathon Drive, Henderson, NV 89074

20 Rushmore Loan Management Services, LLC moves the court pursuant to Local Rule 9006 to
21 shorten the time to hear its motion to enforce the terms of the settlement agreement between debtor
22 Schulte Properties, LLC and Rushmore Loan Management Services, LLC. In the motion, Rushmore
23 requests the court require that Schulte provide proof of insurance of the subject properties.

24 Counsel for Rushmore has contacted Schulte's counsel multiple times over the past several
25 weeks to discuss Schulte's compliance with the terms of the settlement agreement. Specifically, on
26 June 23, 2021, Rushmore's counsel emailed Schulte's counsel to request proof of insurance for the
27 Neopolitan loan. Schulte's counsel did not respond to Rushmore's counsel's email. Rushmore's
28 counsel followed up by a second email sent on July 1, 2021. Rushmore's counsel sent a formal letter

1 to Schulte's counsel regarding Rushmore's request for proof of insurance for both properties on July
2 2, 2021. A copy of the letter is attached to the motion to enforce as Exhibit A. Schulte's counsel has
3 not substantively responded to any request by Rushmore for proof of insurance.

4 Rushmore requests the motion to enforce be heard on emergency basis because it is
5 reasonably questionable whether Schulte is now maintaining insurance for the properties pursuant to
6 the terms of the settlement agreement. If insurance is not maintained for the property, Rushmore's
7 collateral for the subject loan is at risk each day that the insurance is lapsed. *See, e.g. In re Elmira*
8 *Litho, Inc.*, 174 B.R. 892, 902 n.9 (S.D.N.Y. 1994) (describing failure to maintain property insurance
9 as a "threat" to the property).

10 Counsel estimates that approximately ten minutes is needed for a hearing on the motion. If
11 heard in the ordinary course, the motion will not be heard until September 15, 2021. As noted
12 above, each day the property is without insurance is a severe risk to Rushmore. Accordingly,
13 Rushmore requests the court shorten the time for hearing on the motion to take place as soon as
14 possible.

15
16 DATED: August 12, 2021.

17 **AKERMAN LLP**

18 */s/ Natalie L. Winslow*

19 **ARIEL E. STERN, ESQ.**

20 Nevada Bar No. 8276

21 **NATALIE L. WINSLOW, ESQ.**

22 Nevada Bar No. 12125

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Las Vegas, NV 89134

23 *Attorneys for Rushmore Loan Management Services,*
24 *LLC*

CERTIFICATE OF SERVICE

On August 12, 2021 I served the following document: **MOTION FOR ORDER SHORTENING TIME ON MOTION TO ENFORCE SETTLEMENT TERMS** by the following means to the persons as listed below: *(Check all that apply)*

☒ **a. ECF System**

Under Administrative Order 02-1 (Rev. 8-31-04) of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by that Court's facilities.

☐ **b. United States mail, postage fully prepaid**

☐ **c. Personal Service**

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the documents(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the documents(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ **d. By direct mail (as opposed to through the ECF System)**

☐ **e. By fax transmission**

☐ **f. By messenger**

I declare under penalty of perjury that the foregoing is true and correct.

Signed on: August 12, 2021

Patricia Larsen

(Name of Declarant)

/s/ Patricia Larsen

(Signature of Declarant)

AKERMAN LLP

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INDEX OF EXHIBITS

Exhibit A Attorney Information Sheet for Proposed Order Shortening Time
Exhibit B Declaration of Natalie L. Winslow

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